IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24974 of 2004

Between:

M. Kannaiah Chetty, S/o. Venkatratnam Chetty,
Bhajanakoil Street, Murakambhattu, Chittoor.

..... PETITIONER

AND

1 The Govt of A.P., rep. by Dy. Inspector General of Registration & Stamps, Kurnool Range, Kurnool-2.
2 The District Registrar of Assurances, Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction more in the nature of writ of Mandamus, declaring the action of the respondents in suspending my license through the proceedings dt. 17.10.2003 as being illegal, arbitrary, violative of principles of promissory estoppel besides the same is suffers from vice of excessive delegation of power being violative of Articles 14, 19 (1) (g) and 21 of the Constitution of India, and pass such other order or orders or as are deemed fit and proper.

Counsel for the Petitioner: MR.D.SESHADRI NAIDU

Counsel for the Respondents:

The Court made the following :

***ORAL ORDER*:**

Petitioner states that he having been granted a temporary license to sell the stamps under license No. 3/76 dated 8.4.1976, is doing the said business, without any complaints from any quarter. He submits that he has been submitting periodical statements, as required under the conditions of license to the 2nd respondent for due verification.

He further states that on 12.9.2003, the 2nd respondent herein issued a show cause notice to him to explain as to why action should not be initiated against him as per the Rules for difference of stock to a tune of 208 copy stamps of Rs.1/- denomination, as there were no entries in the connected registers maintained by him. The petitioner claims to have submitted his explanation to the said notice stating that the said stamps were kept aside for his personal use in several cases, which are pending and where he is a party, and sought exoneration for the lapse. But the 2nd respondent, without considering his explanation, passed the impugned proceedings No. A/470/2003 dated 17.10.2003 suspending his license under Rule 39 of the Indian Stamp Act without specifying the period of suspension, and also directed him to handover the Sales Register Book under all categories and Indent Register to the Joint Sub Registrar, I.R.O., Chittor, forthwith. Aggrieved by the same, the petitioner claims to have preferred an appeal before the first respondent bringing all the facts to his notice, and the same is still pending.

Inasmuch as the appeal said to have been filed before the first respondent against the orders passed by the 2nd respondent suspending his stamp vendor licence, is pending, I do not want to go into the merits of the matter, especially as to the correctness or otherwise of the order passed by the 2nd respondent, and

therefore, without interfering with the order of the 2nd respondent, I deem it appropriate to dispose of the writ petition with the following directions:

The 1st respondent is directed to consider and dispose of the appeal filed by the petitioner against the orders passed by the 2nd respondent suspending his stamp vendor licence, expeditiously. No costs.

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mdaa/svv 31-12-2004

Copy to:

1 The Dy. Inspector General of Registration & Stamps,
Govt of A.P., Kurnool Range, Kurnool-2.
2 The District Registrar of Assurances, Chittoor, Chittoor District.

3. Two C.Cs to G.P.

4. Two C.D.copies.